

**Before The
Federal Communications Commission
Washington, DC 20554**

In the Matters of)	
)	
Updating the Inter-carrier Compensation)	WC Docket No. 18-155
Regime to Eliminate Access Arbitrage)	
)	

**COMMENTS OF
COMTECH TELECOMMUNICATIONS CORP.**

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Comtech Telecommunications, Inc. (“Comtech”)¹ hereby submits its comments in response to the Notice of Proposed Rulemaking (“NPRM” or “Notice”) released by the Federal Communications Commission (“Commission” or “FCC”) in this docket².

Introduction

While the Commission is primarily concerned with access stimulation and similar interstate access related schemes in this docket, the NPRM notes that there are many times and many ways that, “. . . arbitrage schemes continue to evolve and once again flourish.”³ Comtech, via its public safety operating subsidiary, NextGen Communications, Inc. (“NextGen”) has encountered one such example that directly impacts core missions of the Commission, public safety, 9-1-1, and the introduction of Next Generation 9-1-1 (“NG9-1-1”) services. Without FCC action, regulatory mandates are in danger of distortion and manipulation resulting in NG9-1-1 services being delayed or denied to citizens of South Dakota, and in future to many more Americans.

A. Background

Effective December 18, 2014, Comtech, via its public safety operating subsidiary, NextGen signed a contract with the visionary South Dakota 9-1-1 Coordination Board (“Board”) to design, build, and maintain a statewide NG9-1-1 public safety communications network for the

¹ 1 On February 23, 2016 Comtech Telecommunications Corp. (symbol CMTL) purchased 100% of the stock of TeleCommunication Systems, Inc. (“TCS”) (symbol TSYS). When referencing Comtech, we also include TCS and its operating subsidiary, NextGen Communications, Inc. (“NextGen”). NextGen is the contracting entity in South Dakota, the jurisdiction for the NG9-1-1 issues discussed herein.

² *Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, Notice of Proposed Rulemaking (WC Docket No. 18-155) (FCC 18-68) (Released June 5, 2018) (“NPRM”).

³ NPRM at p. 2.

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state of South Dakota.⁴ The final network architecture and cost was based on an assumption that all landline, Voice over IP (“VoIP”), and wireless carriers’ (collectively “Originating Service Providers” or “OSPs”) would take responsibility for delivering their 9-1-1 calls, either directly or through a third-party, to two new separate NG9-1-1 designated points of interconnection (“POIs”) just as they do today for the legacy 9-1-1 network in South Dakota. As of a date certain (to be determined), the “old” 9-1-1 network would cease operation and the NG9-1-1 Emergency Services IP Network (“ESInet”) would deliver the 9-1-1 traffic to Public Safety Answering Points (“PSAPs”)⁵ where trained call takers would answer the calls, determine the nature of the emergency, and dispatch appropriate public safety resources. Rural Local Exchange Companies (“RLECs”) as OSPs have been successfully delivering 9-1-1 calls for decades to the current legacy 9-1-1 network operated by CenturyLink.

Delivery of an OSP’s 9-1-1 traffic to the ESInet POIs is only one segment of the larger network.⁶ For NextGen to have the prerequisite state legal authorization to operate the NG9-1-1 network on behalf of the Board, on December 23, 2015, the South Dakota Public Utilities Commission (“PUC”) granted NextGen’s application for a Certificate of Authority to operate as a competitive local exchange telecommunications carrier (“CLEC”) in South Dakota.⁷

⁴ *TeleCommunication Systems Awarded Contract by State of South Dakota for Next Generation 9-1-1 Systems and Services*, (January 8, 2015), <http://www.comtechtel.com/releasedetail.cfm?ReleaseID=955904>

⁵ South Dakota does not have legislation or regulations that require a carrier to connect to the ESInet, and a carrier may choose to connect to the appropriate PSAP directly without the use of the ESInet. NextGen does not have information to determine if any carriers have chosen to do that in South Dakota.

⁶ Wireless carriers have long accepted their financial responsibility to deliver their 9-1-1 traffic to the POI designated by the 9-1-1 authority. As the FCC noted in 2001, “. . . wireless carriers are responsible for the costs of all hardware and software components and functionalities that precede the 911 Selective Router, including the trunk from the carrier’s Mobile Switching Center (MSC) to the 911 Selective Router . . .”, See *Letter from Thomas Sugrue, Chief Wireless Telecommunications Bureau, to King County E911 Program Office* (May 7, 2001) <https://transition.fcc.gov/Bureaus/Wireless/Orders/2001/kingco.pdf>

⁷ NextGen’s CLEC authority is required to permit access to pANI codes, protect it under applicable state and federal law from operational liability, and to permit NextGen to take advantage of other technical operations (ex., colocation) that only telecom carriers can manage. NextGen’s certification made clear that it is not certified with

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Unfortunately, a formal PUC dispute⁸ arose between the RLECs and NextGen wherein most of the state's RLECs, represented by the South Dakota Telecommunications Association ("SDTA"), contended that all network connections by NextGen to an RLEC must be; regulated as an "RLEC to CLEC" "interconnection," negotiated and approved by the PUC through the federal/state formal Section 251/252 interconnection process, in compliance with a network design so that the "meet points" for all such "interconnection" were within the RLECs respective networks, and structured such that the RLECs do not pay for 9-1-1 transport from the respective meet points to the ESInet POI.⁹ NextGen believes that the State of South Dakota, because it provides the underlying franchise authority for all carriers in the state, has the sovereign right to design, maintain, and manage its cost / investment in its 9-1-1 / NG9-1-1 Network, and may include, or not include, transport subsidies for 9-1-1 traffic delivery to the POIs as it sees fit in the best interests of the citizens of South Dakota.¹⁰

Therefore, NextGen, responded, among many other arguments¹¹, that the preexisting laws and regulations in South Dakota, and at the federal level, clearly mandate that RLECs are

the intent that it will compete with any incumbent local exchange company ("ILEC") or rural local exchange company ("RLEC") for service or customers, or provide two-way local exchange services to end users.

⁸ See, TC17-063 - *In the Matter of the Petition for a Declaratory Ruling by Department of Public Safety/911 Coordination Board regarding Determining Responsibility for Rural Carrier Interconnection to the Next Generation 9-1-1 System*, (filed October 27, 2017) ("Declaratory Ruling") (Order Dismissing Petition for Declaratory Ruling, April 30, 2018), <https://puc.sd.gov/Dockets/Telecom/2017/TC17-063.aspx>

⁹ During this litigation, NextGen tried but was never successful at determining if in the current environment the RLECs were being paid by South Dakota PSAPs directly for transporting their legacy 9-1-1 traffic to the appropriate CenturyLink selective router, or if the PSAPs arranged the transport and the RLECs paid nothing, or some other arrangement. The next effect is the same, but the facts were never introduced into the record.

¹⁰ NextGen's ESInet contract with the Board did not provide for the management or funding of RLEC 9-1-1 traffic transport from "meet point" to the ESInet POIs.

¹¹ NextGen incorporates its filings in TC17-063 by reference:
<https://puc.sd.gov/commission/dockets/telecom/2017/tc17-063/nextgencomments.pdf>
<https://puc.sd.gov/commission/dockets/telecom/2017/tc17-063/nextgenreply.pdf>
<https://puc.sd.gov/commission/dockets/telecom/2017/tc17-063/motiontodismiss.pdf>
<https://puc.sd.gov/commission/dockets/telecom/2017/tc17-063/nextgenreply042018.pdf>

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responsible for providing 9-1-1 service at all times¹² and, therefore, delivering their subscribers' 9-1-1 traffic the legacy 9-1-1 network and eventually to the new NG9-1-1 POIs established for South Dakota. Also, regarding the technical burden and/or cost of 9-1-1 transport, because the South Dakota Network ("SDN") is a wholly-owned and managed Centralized Equal Access Provider ("CEA") controlled by the RLECs as a group¹³ and was certified as the RLECs' intrastate monopoly transport provider¹⁴, SDN is clearly an "affiliate" as defined in the Code of Federal Regulations for telecom connectivity purposes¹⁵, and SDN's network and interconnection points should be included in the definition of "RLEC network" regarding any cost or technical discussion of interconnection to the NG9-1-1 POIs.¹⁶

¹² South Dakota Administrative Rules 20:10:32:10. Service obligations of all providers -- Request for waiver. A telecommunications company providing local exchange services shall, at minimum, make the following available to each customer: . . . (2) Access to emergency services such as 911 or enhanced 911. This Rule also permits a company to make an application to waive this requirement. NextGen is unaware of any RLEC that has done so, but has not validated this with the Commission. <http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=20:10:32:10>
47 CFR 64.3001 - Obligation to transmit 911 calls. All telecommunications carriers shall transmit all 911 calls to a PSAP, to a designated statewide default answering point, or to an appropriate local emergency authority as set forth in § 64.3002. <https://www.law.cornell.edu/cfr/text/47/64.3001>

¹³ SDCEA, Inc. ". . . is wholly owned by South Dakota Networks, Inc. (SDN), also a South Dakota corporation. SDN, in turn, is owned by twelve ITCs which operate in the state of South Dakota . . . the stock distribution is based upon a formula consisting of the access lines and minutes of use of the participants relative to the project as a whole." *In re the Application of SDCEA, Inc. To lease transmission facilities to provide centralized equal access service to interexchange carriers in the State of South Dakota*, File No. W-P-C-6486 (rel. November 21, 1990) (5 FCC Rcd No. 24), at para. 2 ("214 Application"). In short, SDCEA, Inc. exists to hold the FCC 214 license that is the subject of this application. The FCC granted SDCEA/SDN's application for Section 47 U.S.C. Sec. 214 authorization. <https://digital.library.unt.edu/ark:/67531/metadc1643/m1/53/>

¹⁴ "FURTHER ORDERED, that SDN-SDCEA shall have a monopoly over all switched access service originating or terminating in the SDN member exchanges"; *In the Matter of the Application of South Dakota Network, Inc. and SDCEA, Inc. for Permission to Construct Centralized Equal Access Facilities*, Amended Order Granting Construction Permit and Approving Tariff (F-3860) (April 12, 1991), ("Amended Order") at p. 11. <https://puc.sd.gov/commission/dockets/misc/2011/ms11-001/010511a.pdf>

¹⁵ "(2) the term "affiliate", when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person;" Definitions 47 USC § 522(2) <https://www.law.cornell.edu/uscode/text/47/522>

¹⁶ The logic is inescapable. SDN's network is the legal, technical, and functional equivalent of every member RLEC's network and the certified mandatory monopoly gateway for RLEC access. The RLECs own, control, and manage SDN. Therefore, the SDN POI in Sioux Falls, for example, is where interconnection for 9-1-1 traffic should occur, not some mythical "meet-point" on a single RLEC's hypothetical "network." SDN uses this same logic to justify its existence, and has filed repeatedly at the FCC justifying its existence by stating, "In granting SDN

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The importance of SDN's relation to 9-1-1 is memorialized in the PUC's decision to require SDN to support 9-1-1 transport services as part of SDN's 1991 intrastate certification in South Dakota when it stated, "The SDN project will provide for . . . Enhanced 911."¹⁷ This dictates that SDN's network presence is equivalent to the RLEC's networks for 9-1-1 "meet point" determination. Also, since at least one of the ESInet's POIs is physically collocated in one of SDN's carrier hotels, compensation for 9-1-1 transport is moot. Unfortunately, the matter was dismissed by the PUC on its own motion for procedural reasons, and the dispute continues without clear resolution of the underlying question; are NextGen / Board responsible to pay to transport RLEC 9-1-1 traffic to the ESInet POIs, or are the RLECs responsible to delivery their own 9-1-1 traffic as they have been in the past.

B. SDN and the RLECs Are Duplicating the Access Arbitrage Scenario to the Detriment of Public Safety / 9-1-1 Services

Comtech brings this South Dakota PUC matter to the FCC's attention because it directly coincides with the instant case as an example of the Commission's and commenters' concerns that, ". . . arbitrage schemes are often enabled by the use of intermediate access providers . . ."¹⁸ To wit, an essential player in the South Dakota 9-1-1 controversy is the RLECs' wholly-owned CEA and monopoly transport affiliate, SDN, *specifically named* in the instant FCC docket, chartered in part to support public safety, and via its filings at the FCC,

authority to operate, the Commission and the state commission found that the benefits of rural access *traffic concentration*, . . . was in the public interest." *In the Matter of Connect America Fund* (WC Docket No. 10-90) *Developing an Unified Intercarrier Compensation Regime* (CC Docket No. 01-92), Comments of South Dakota Network, LLC (October 26, 2017), at p. 3. <https://ecfsapi.fcc.gov/file/102630786442/SDN-comments-10-90.pdf>

¹⁷ Amended Order, at p. 6. <https://puc.sd.gov/commission/dockets/misc/2011/ms11-001/010511a.pdf>

¹⁸ NPRM at p. 3.

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admittedly carrying RLEC 9-1-1 traffic.¹⁹ SDN already carries the RLECs' other subscriber traffic to the same colocation as the NG9-1-1 POIs in Sioux Falls and Rapid City thereby creating a perfect technical environment for 9-1-1 traffic transport to the ESInet's POIs.

In fact, NextGen presented definitive arguments in the South Dakota dispute that either the RLECs were being paid by South Dakota PSAPs directly for legacy 9-1-1 transport²⁰, or the RLECs, via their affiliate, SDN, were paying their own 9-1-1 transport at a cost of less than \$0.01 per subscriber per year²¹, far less than the rate proposed to NextGen for the same 9-1-1 transport services.²² Both situations are clear examples of the type of CEA arbitrage that the Commission is addressing in this docket.

¹⁹ A) SDN's certification case before the South Dakota Public Service Commission specifically states that support of E9-1-1 as one of the foundations for approving the application; "The SDN project will provide . . . access to state-of-the-art law enforcement, fire and other emergency services such as are provided by Enhanced 911 . . ." *In the Matter of the Application of South Dakota Network, Inc. and SDCEA, Inc. for Permission to Construct Centralized Equal Access Facilities*, Amended Order Granting Construction Permit and Approving Tariff (F-3860) (April 12, 1991), ("Amended Order") at p. 6. <https://puc.sd.gov/commission/dockets/misc/2011/ms11-001/010511a.pdf>
B) SDN has declared to the FCC that it provides 911 transport, "The statewide backbone network maintained by the CEA providers supports state, county and city government; public safety, state dispatch and 911 . . ." *Developing a Unified Intercarrier Compensation Regime*, CC Docket 01-92, Comments of the Centralized Equal Access Providers (Iowa Network Services, Inc., Onvoy, Inc., and South Dakota Network, LLC.) (May 23, 2005) <https://ecfsapi.fcc.gov/file/6517614145.pdf>
C) ". . . SDN contends that the aggregation of rural traffic along with the deployment of equal access and other services provides a powerful centralized platform from which to leverage IP technology downstream." *In the matter of Technology Transitions Policy Task Force Seeks Comments on Potential Trials*, GN Docket No. 13-5, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, Reply Comments of South Dakota Network (March 31, 2014), at p. 1. SDN repeatedly mentions support for "public safety" in this filing, including, ". . . the existing regulatory framework for these CEA companies [like SDN] had helped realize statutory objectives of universal service, competition, public safety and consumer protection . . ." At p. 3. <https://prodnet.www.neca.org/publicationsdocs/wwpdf/33114sdn.pdf>

²⁰ *Declaratory Ruling*, Comments of NextGen Communications, Inc., at p. 8. (See footnote 8, above, for link to pleadings in the docket)

²¹ *Declaratory Ruling*, Reply of NextGen Communications, Inc., at p. 14. (See footnote 8, above, for link to pleadings in the docket)

²² SDN, in concert with the SDTA, offered a "compromise" to NextGen in the South Dakota case: delivery of RLEC 9-1-1 traffic to the ESInet POIs for NextGen's payment of additional network transport charges in excess of 30 times (3000%) the intrastate tariffed circuit costs provided in NextGen's filed cost study in the docket. Even if NextGen acknowledged minimal responsibility for this transport, which it does not, SDN's proposal was beyond usury.

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In the first arbitrage scenario, the RLEC owners of the CEA (in this case, SDN in South Dakota, an affiliate of the RLECs for purposes of 47 CFR 251/252), for the benefit of themselves, would use 47 CFR 251/252 to force NextGen “interconnect” and thereby pay 30 times SDN’s tariffed rate for 9-1-1 traffic transport than SDN charges its owner-customers and/or any other carrier²³ in potential violation of Section 202 of the Communications Act²⁴ and/or 47 CFR 251(b)(1)²⁵, 47 CFR 251(c)(2)(C)²⁶, and/or the South Dakota PUC’s Administrative Rules.²⁷ In the second arbitrage scenario, to be best of NextGen’s knowledge and belief, the RLECs are being paid by South Dakota PSAPs for 9-1-1 transport and desire to force NextGen via 47 CFR 251/252 to pay them (with state funds) a second time (or pay for services that benefit them) simultaneously for the *same* 9-1-1 transport services, potentially double billing the State of South Dakota.²⁸

²³ It is also possible, though unlikely, that the RLECs do not pay SDN to transport their 9-1-1 traffic. If this were the case, since SDN is an affiliate of the RLECs, under Section 251/252, it would be a violation for SDN to charge NextGen any differently than it charges its affiliates for the same services.

²⁴ Section 202(a) of the Communications Act of 1934 (47 U.S.C. § 202(a)) made it unlawful for carriers “. . . to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service . . . or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.” <https://www.law.cornell.edu/uscode/text/47/202>

²⁵ 47 CFR 251(b) Obligations of all local exchange carriers. Each local exchange carrier has the following duties: (1) Resale. The duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services. <https://www.law.cornell.edu/uscode/text/47/251>

²⁶ 47 CFR 251(c)(2) Interconnection The duty to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier’s network . . . (C) that is at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, *affiliate*, or any other party to which the carrier provides interconnection . . .” (emphasis added). <https://www.law.cornell.edu/uscode/text/47/251>

²⁷ South Dakota Codified Laws Section 20:10:32:50. Monitoring of competitive local exchange services. The commission shall monitor the effectiveness of the regulatory requirements prescribed in this chapter to ensure that local service competition occurs in a manner that is consistent with preserving and advancing universal service, protecting the public safety and welfare, ensuring the continued quality of service, and safeguarding the rights of affected consumers. <http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=20:10:32:50>

²⁸ Because NextGen’s current NG9-1-1 contract does not fund RLEC 9-1-1 traffic transport, it would be required to bill the State of South Dakota for such costs. The Board, as a state agency, administers the state’s 9-1-1- fund including distributing 9-1-1 fee collections to PSAPs. This leads to the inescapable potential for the state to pay

C. The Cooperative Jurisdiction of the FCC and State Utility Commissions

Regarding 9-1-1 Makes This Matter Appropriate for Commission Action

The legal recognition of shared and overlapping authority by the FCC and state PUCs is well settled²⁹ especially in the absence of appropriate PUC actions or remedies. This shared oversight is necessary to insure reliable and affordable 9-1-1 service nationwide among all carriers and their subscribers. The Commission has jurisdiction and can act.

D. The Potential Damage to NG9-1-1 Nationwide Requires Action

The conversion to NG9-1-1 has begun and increasing numbers of jurisdictions are considering the same thoughtful course of action that South Dakota has; creating a statewide ESInet for the termination and processing of 9-1-1/NG9-1-1 traffic. RLECs exists in almost every state. The FCC needs to resolve the question of transport responsibility, and a good beginning is in those states that already have a low cost/no cost transport solution – a CEA. Without a resolution, this problem will proliferate as carriers naturally seek financial and regulatory advantages, and incentives and arbitrage pressures build.

twice (once via reimbursement to Nextgen and once via payments to PSAPs) for RLEC 9-1-1 traffic transport for the same calls. While it should be inconceivable that this is the intended result, it is the logical extrapolation of the SDTA/RLEC's argued positions. In fairness to all parties, and to avoid any such conclusion, NextGen has suggested that the (assumed) funding from PSAPs for RLEC 9-1-1 traffic be redirected to funding NG9-1-1 traffic transport to the ESInet POIs as conversion to the ESInet occurs so that the RLECs are kept whole and the state does not double-pay, but the SDTA/RLECs to date have not responded to NextGen's information requests, or affirmatively to this suggestion.

²⁹ "Jurisdictionally speaking, the concept includes the shared authority of the federal government and states to collectively oversee all components of 911 service." *In the Matters of 911 Governance and Accountability* (PS Docket No. 14-193) *Improving 911 Reliability* (PS Docket No. 13-75), Policy Statement and Notice of Proposed Rulemaking (FCC14-186) (Released November 21, 2014), at p. 4. https://www.911.gov/pdf/FCC_911_Governance_Accountability_Improving_Reliability_2014.pdf See also, *Federal Communications Commission, Legal and Regulatory Framework for Next Generation 911 Services, Report to Congress and Recommendations* § 3.2.1 (2013), available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-319165A1.pdf (NG911 Report).

E. SDN Agrees with the FCC’s Proposed “Bill and Keep” Solution for Transit Traffic, and this Includes 9-1-1 / NG9-1-1

The 9-1-1/NG9-1-1 network, as discussed herein, provides for the one-way receipt of the RLECs subscribers’ 9-1-1 calls to the ESInet; traffic *from* the ESInet *to* the RLECs does not traverse these connections. Therefore, by FCC definition per 47 C.F. R. § 51.5, this connectivity is not “interconnection” for two-way traffic, but a connection that is often referred to as “transit” traffic.³⁰ SDN, as a CEA, agrees that as to transit traffic, the cost-causer should be the cost-payer when it told the Commission;

“. . . the Commission should make it clear that any carrier that *delivers transit traffic* to a CEA network is *responsible for paying the CEA* provider for transit service. The carriers that are closer to the *originating end* of a call are in a far better position than SDN to identify the carrier that originated the transit traffic and to enforce a contract with that originating carrier for payment of appropriate transit service compensation.”³¹ (emphasis added)

NextGen agrees. The RLECs deliver their 9-1-1 traffic today to their wholly-owned CEA for deliver to the legacy 9-1-1 network, are closer to the originating end of the call (their subscribers), and are clearly in a better position to manage both the contractual relationship and costs of 9-1-1 call delivery than NextGen. Also, the RLECs are either 100% compensated for

³⁰ *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663, 17904-914, paras. 736-59 (2011), *aff’d sub nom*, *In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014), *cert. denied*, 135 S. Ct. 2050, and 135 S. Ct. 2072 (2015) (“Transformation FNPRM”); In the Transformation FNPRM, the Commission described transit service as occurring when two carriers that are not directly interconnected exchange non-access traffic by routing the traffic through an intermediary carrier’s network. Transformation FNPRM, 26 FCC Rcd at 18114, para. 1311. “Interconnection. Interconnection is the linking of two networks for the *mutual exchange* of traffic. This term does not include the transport and termination of traffic.” (emphasis added) 47 C.F. R. § 51.5. <https://www.law.cornell.edu/cfr/text/47/51.5> See also *Indiana Bell Tel. Co., Inc. v. Stephan*, 247 F. Supp. 3d 978, 986 (S.D. Ind. 2017); *S. New England Tel. Co. v. Comcast Phone of Connecticut, Inc.*, 718 F.3d 53, 62 (2d Cir. 2013).

³¹ *In the Matter of Connect America Fund* (WC Docket No. 10-90) *Developing an Unified Inter-carrier Compensation Regime* (CC Docket No. 01-92), Comments of South Dakota Network, LLC (October 26, 2017), at p. 9. <https://ecfsapi.fcc.gov/file/102630786442/SDN-comments-10-90.pdf>

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this transport, or this cost is so small as to be immaterial. Nothing should change with the transition to Next Generation 9-1-1 services and the ESInet.

Conclusion

If the Commission does not include CEA 9-1-1/NG9-1-1 transit traffic destined for an ESInet in this docket, there is a real and present danger that the market structure and power of small LECs/RLECs and CEAs acting in concert will perpetuate itself and thwart one of the Commission's most important duties, the preservation and promotion of 9-1-1 / NG9-1-1 services especially to vulnerable rural subscribers. Therefore, Comtech requests that the Commission include the question of RLEC / CEA 9-1-1/NG9-1-1 transport in its proposed solution in this NPRM.

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Respectfully submitted,

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